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SUBJECT: Joint Weeka No. 6 for State, Army and Air Departments
From SAA - Section I

Direction to DC/R

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FADRC EOI CASE NO. 740332

SUMMARY

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LWC

In a week of Agrarian Reform conflicts, the Guatemalan Supreme Court tentatively asserted a right of judicial review over the Agrarian Reform Law by issuing a temporary order enjoining President ARBENZ from carrying out the expropriation of farm land belonging to Sr. Ernesto LEAL Pérez, who had appealed to the court against an allegedly unwarranted Executive decision to apply the Agrarian Reform Law to his land. Though a final decision will not be made until after further consideration, the Communist-dominated labor federation CGTG vigorously protested against what is termed a violation of the provision of the Law forbidding reccurse to the courts and sent to Congress a request for the dismissal of the Justices who had voted for it. With the legal battle centering on whether landowners can get judicial protection this coming to the fore, a decrease as compared with the previous fortnight in the illegal occupation and seizure of private land by farm laborers whose union leaders had been agitating for a more rapid application of the Agrarian Reform Law.

Sr. Guillermo TORIELLO, Guatemalan Ambassador to the United States here on consultation, told the press that the new United States Administration would follow the Good Neighbor policy and strongly criticized United States periodicals belonging to "great trusts" for "distorting" the situation in Guatemala.

The labor dispute between the American-owned International Railways of Central America (IRCA) and the union of its employees (SAMF) about the terms of a new labor contract was in temporary suspense as a Labor Court of Appeals gave consideration to the company's appeal against a lower labor court refusal to accept the case for conciliation at this time.

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Page No. 084
From GUATEMALA

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DOMESTIC AFFAIRS

In a move momentarily advancing the contention of moderate elements that landowners have a Constitutional right of appeal to the courts against abuses by Agrarian Reform authorities, the Supreme Court of Guatemala on February 2 issued a temporary order enjoining the President from effecting the expropriation of land belonging to Sr. Ernesto Leal Pérez, a planter who in a test case had appealed to the courts against the President's order expropriating part of his property, alleging that it was exempt from the Law (Weeka 5). The issue involved was the Constitutionality of Article 98 of the Agrarian Reform Law which forbids recourse to any authority outside of the Executive branch, a provision which Sr. Leal's appeal contends is a violation of the Constitutional guarantee of access to the courts for redress of wrongs done by the Executive. The Supreme Court gave the Executive twenty-four hours to show cause why Sr. Leal's appeal should not be granted and indicated it would pass on the matter after examining the briefs.

Should the Supreme Court's final decision confirm that administrative actions under the Agrarian Reform Law are subject to judicial review, the courts would be in a position to exercise a restraining influence on the capriciousness that has characterized the actions of many local Agrarian Reform authorities. The latter often sought to expropriate cultivated farm land and other property not properly subject to the Law. It may in any case have this effect over the short term since President Arbenz on February 3 issued an instruction to the authorities to proceed in strict conformity with the letter of the Law in order to avoid appeals like Sr. Leal's. However, in the long term prospects are scarcely reassuring, for the Communist-dominated CGTG and the Communist-influenced CNCG have been agitating for the removal of judges who accept jurisdiction of Agrarian Reform cases and, since the Supreme Court's temporary injunction, have organized a flood of protest letters. On February 3 the CGTG Executive Committee requested Congress immediately to remove the Justices who had granted Sr. Leal's temporary injunction and the bloc of Deputies of the PAR, the largest "revolutionary" party, this week threatened to act in Congress to that end. More serious is the fact that the terms of the Chief Justice, Sr. Arturo HERBRUGER, who voted for the temporary injunction, and other Justices expire on March 1 and the strongly leftist Congress may well elect more radical replacements.

Meanwhile, the press has reported several more cases of farm laborers taking the Agrarian Reform Law into their own hands by seizing plots of farm land in the southeast

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of the country (Weeka 5). Such incidents, however, appear on the decrease as the CGTG and CNCG have turned their main effort from exerting pressure on the administrative Agrarian Reform authorities to hasten the distribution of private land towards putting pressure on the judiciary to prevent it from "impeding" the Agrarian Reform. In press statements, Sr. Augusto CHARNAUD MacDonald, Minister of the Interior, and Major Alfonso MARTINEZ, Chief of the National Agrarian Department, asserted that the incidents had been exaggerated by the landowners who were responsible for the situation since they had failed to allow the farmers to use the land.

FOREIGN AFFAIRS

In a press interview here on January 31, Sr. Guillermo Toriello, Guatemalan Ambassador to the United States, was reported to have expressed confidence that the new United States Administration would follow the Good Neighbor policy but said that "reactionary" elements in the United States opposed to Guatemala's economic independence distorted the truth about the country, despite the fact that the American people as a whole liked Latin America, and especially Guatemala. He reportedly also said that unfortunately only a minority of United States periodicals circulated in Guatemala and these belonged to the "great trusts" whereas the rest of the United States press published articles favorable to the Latin American peoples and did not interfere in their internal affairs.

MILITARY

The independent El Imparcial of February 4 headlined a UP article from San Salvador stating that military leaders of the Central American states were exchanging views on a military plan to combat Communism and that this plan would be submitted at the May 2 meeting of the Organization of Central American States (ODECA) separately from the Salvadoran Foreign Ministry's proposal for a Central American front against Communist infiltration. Colonel José Angel SANCHEZ, Guatemalan Minister of Defense, was quoted in the press as saying Guatemala had not been consulted on this project and that he knew nothing of it. Thus far no comment public or private on this development has been heard from Guatemalan officers.

R E Schoenfeld

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Contributor:
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Copies: Other C. A. Missions, and routine

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